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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,072	03/01/2004	Michael W. Peterson	306288	2973

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LEYDIG, VOIT & MAYER, LTD.  
(SEATTLE OFFICE)  
TWO PRUDENTIAL PLAZA  
SUITE 4900  
CHICAGO, IL 60601-6780

EXAMINER

SALDANO, LISA M

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 11/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/791,072

**Applicant(s)**

PETERSON ET AL.

**Examiner**

Lisa M. Saldano

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/8/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claims 1 and 14 are objected to because of the following informalities:

Regarding claim 1, line 8, the applicant recites limitations wherein “the sleeping is....” It appears that the applicant has mistakenly omitted the word “bag” after the word “sleeping.”

Regarding claim 14, line 5, the applicant recites limitations regarding “the sleeping bay in the roll.” It appears that the applicant intended to claim *the sleeping bag in the roll*.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 7, 11, 12, 14-18 and 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Hinds (2,368,220).

Regarding claims 1 and 14-16, Hinds discloses a sleeping bag comprising a cinch mechanism with a loop 35, a cord 34 and a clasp or a snap fastener 36 attached to the cord 34

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(see Figs.1-3). The loop, cord and claps are configured such that when the sleeping bag is rolled, the loop wraps around the sleeping bag, the cord it extended through the loop (see Fig.1) and the clasp 36 is attached to a portion of the cord to hold the loop and cord in place. The loop and cord are extended in opposite directions around the rolled sleeping bag. Furthermore, the cord is removably attached to the loop 35 for maintaining the sleeping bag in a rolled fashion.

Regarding claims 2-4, Hinds illustrates that the cord and loop are attached to a foot of the sleeping bag. Please note that the claim has been interpreted as broadly as possible and the interpretation relied upon come from Merriam-Webster's Collegiate Dictionary, 10<sup>th</sup> Edition, whereby the word attach is to: make fast (as by tying or gluing). Therefore, since both the cord and the loop are fastened to the sleeping bag, they are also attached to a foot of the sleeping bag or any other portion of the sleeping bag for that matter.

Regarding claims 7, 17 and 18, Hinds illustrates that the clasp 36 has an opening for hooking onto a portion of the cord that extends against a surface of the sleeping bag (see Fig.2)

Regarding claims 11, 12, 22 and 23, Hinds illustrates a clasp 36 that is fully capable of fitting in the hand of a user, whereby the clasp includes a narrowed portion and a thickened portion with an opening.

Regarding claims 24-26, Hinds discloses and illustrates that the cord 34 extends through the loop 35 and is attached to itself extending along an outside of the rolled sleeping bag (see Figs.1&2).

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinds, as applied to claim 1 above, and further in view of Etan Semetns Leopn (FR-2396490-A) hereafter referred to as "Leopn."

Hinds discloses the sleeping bag as described above wherein the interpretation of attached is based on the definition detailed above in this office action. Therefore, the loop and cord are attached to a bottom half and a top half of the sleeping bag, or any portion of the sleeping bag.

However, Hinds fails to disclose that the sleeping bag is folded lengthwise. Hinds also fails to disclose that the invention comprises two attachments that align adjacent to the outer portions of a sleeping bag.

Leopn discloses a sleeping bag with tie-up device consisting of straps wherein the sleeping bag is folded lengthwise then tied-up (see Figs.1-3).

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Regarding claim 13, Leopn discloses two attachments of straps that align adjacent to outer portions of the sleeping bag when the sleeping bag is rolled.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the sleeping bag configuration of Hinds, such that the sleeping bag is folded lengthwise prior to being tied, as suggested by Leopn, because doing so makes the sleeping bag even more compact and therefore more easily stored in a small space.

Furthermore, it would have been obvious to modify the Hinds invention to attach the cord or loop portions in two attachments, as also taught by Leopn, because doing so ensures that the cord of Hinds is always attached to the sleeping bag and is always available for binding the bag when the user desires.

6. Claims 8, 9, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinds, as applied to claims 7 and 18 above, and further in view of Brown et al (5,210,911).

Hinds discloses the sleeping bag as described above wherein the bag comprises a cinching mechanism with a clasp 36. The clasp comprises an opening for a hooking portion.

However, Hinds fails to disclose a clasp comprising two openings for hooking onto a portion of the cord.

Brown et al disclose a wrapping device capable 10 of being used on a rolled sleeping bag whereby the wrapping device comprises two openings 19,21 for hooking onto a portion of cord that extends against the outer surface of a rolled material 25 (see Figs.1a-3).

Regarding claim 9, Brown et al disclose a wrapping device wherein the two openings are on opposite sides of the wrapping device.

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It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the clasp of Hinds to incorporate a wrapping device with two openings, as taught by Brown et al, because both inventions are directed to containing a rolled material within a bundled state through use of a hooking device. The hooking device of Hinds and Brown et al are both functionally equivalent and would function in essentially the same manner.

7. Claims 10 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinds and Brown et al, as applied to claims 8 and 19 above, in further view of Powers (2,229,935).

Hinds discloses the sleeping bag as described above wherein the bag comprises a cinching mechanism with a clasp 36. The clasp comprises an opening for a hooking portion. Brown et al disclose a wrapping device capable 10 of being used on a rolled sleeping bag whereby the wrapping device comprises two openings 19,21 for hooking onto a portion of cord that extends against the outer surface of a rolled material 25 (see Figs.1a-3).

However, Hinds and Brown fail to disclose two openings located on the same side of the clasp or wrapping device.

Powers discloses a rope adjusted with two openings located on the same side of the device (see Fig.2). The device is used as a rope engaging means.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the inventions of either Hinds or Brown to incorporate a rope engaging means with two holes on the same side of the device, as taught by Power, because the rope engaging device performs the same function as the clasp and wrapping device of Hinds and Brown. The Powers device is a functional equivalent to the devices of Hinds and Brown et al because they all engage

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a rope in a cinching manner to stabilize the rope in a particular fashion. Use of either method would be an obvious substitution.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Underell (5,265,292) is pertinent to the present application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa M. Saldano whose telephone number is 703-605-1167. The examiner can normally be reached on Monday-Friday, 8:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on 703-308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lms



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